

REMARKS

The specification has been amended to make editorial changes therein.

Claims 1-4 were rejected as anticipated by MODLIN et al. 6,825,921. Claim 1 has been amended and reconsideration and withdrawal of the rejection are respectfully requested.

Amended claim 1 includes directing means, which is to be interpreted under §112, sixth paragraph. Corresponding structure is disclosed in Figures 2A-B as elements 213-215, 218, and 218AS.

MODLIN et al. do not disclose this directing means and thus claims 1-4 avoid the rejection under §102.

MODLIN et al. disclose a first excitation light beam directed by fiber 110a (Figure 6) to first optical module 112a, and a second excitation light beam directed by fiber 110b to second optical module 112b. Thus, in contrast to amended claim 1 herein, the first and second excitation light beams of MODLIN et al. are not directed to the same optical module. The separate fibers and modules disclosed in MODLIN et al. have a different structure and operate in a different manner than the directing means herein and thus MODLIN et al. do not disclose equivalent structure.

Claims 5-6 and 8-9 were rejected as unpatentable over MODLIN et al. and claim 7 was rejected further in view of WOHLSTADTER et al. 6,977,722. Claim 5 has been amended and

reconsideration and withdrawal of the rejections are respectfully requested.

By way of explanation, Figure 4 of the present application illustrates a solution in which a measurement instrument comprises at least a first selectable optical module and a second selectable optical module 440a-440d in such a way that each of the selectable optical modules 440a-440d can in its turn be used for guiding an excitation light beam to a sample. In the exemplary situation shown in Figure 4 the selectable optical module 440a is being in a position in which it can be used for guiding an excitation light beam to a sample.

MODLIN et al. do not disclose a solution in which a selectable optical module for guiding an excitation light beam to a sample can be either a first optical module or a second optical module such that the second optical module and/or the first optical module includes means for adjusting a focus between the second selectable optical module and the sample for a shorter distance than a focus between the first selectable optical module and the sample. That is, MODLIN et al. do not disclose a solution in which a first optical module providing a first focal distance would be a selectable optical module that can be replaced with a second optical module providing a second focal distance that differs from the first focal distance. For example, from Figure 7 of MODLIN et al. and from the corresponding text it is clear for a person skilled in the art

that the optical modules 112a and 112b are not such selectable optical modules. Quite the contrary, the optical modules 112a and 112b seem rather to be fixed elements of a measurement instrument.

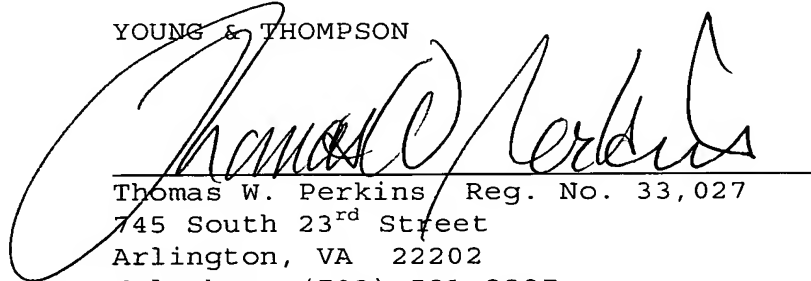
The solution recited in amended independent claim 5 provides a significant advantage over the cited prior art, because properties (e.g. a focal distance) of an optical path, via which an excitation light beam travels, can be easily changed by replacing a first optical module with a second optical module.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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A large, stylized handwritten signature in black ink, appearing to read 'Thomas W. Perkins', is written over the printed name and address.

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